

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00269

TIERO D. WASH

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the trial and all related deadlines for a period of approximately sixty days. (ECF No. 28). In support of defendant's motion and the need for a continuance, counsel for Wash states that she needs additional time to consult with her client about discovery, further investigation, and consideration of pretrial motions. The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until April 10, 2019, at 9:30 a.m., in Bluefield. Jury instructions and proposed voir dire are to be filed by April 3, 2019;
2. All pretrial motions are to be filed by March 26, 2019;
3. A pretrial motions hearing is scheduled for April 2, 2019, at 10:00 a.m., in Bluefield;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 10th day of January, 2019.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge